

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of)
GMW Fire Protection, Inc., an Alaska)
Corporation,)

Plaintiff,)

vs.)

KANAG'IQ CONSTRUCTION CO.,)
INC., an Alaska Corporation and)
WESTERN SURETY COMPANY, a)
South Dakota Corporation,)

Defendants.)

Case No. A05-170 Civil (TMB)

DEFENDANTS' OBJECTIONS TO PLAINTIFF'S
EXHIBITS

Defendants, pursuant to the pretrial order and the Federal Rules of Evidence, assert the following objections to Plaintiff's exhibits. To avoid duplication, defendants intend to use any of plaintiff's exhibits to which they do not object.

Defendants generally object to any exhibit marked by plaintiff in which the exhibit label obscures or blocks the entries on the exhibit.

Exhibits 1 - 5: Defendants object on relevance grounds pursuant to Federal Rule of Evidence 402. This was a completely separate project done on a lump sum basis. Even if potentially relevant, these exhibits could cause prejudice, confusion or waste time. Federal Rule of Evidence 403.

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1 Exhibit 8: Exhibit 8 is incomplete on its face because it indicates that it contains 8
2 of 9 pages.

3 Exhibit 9: Objection based on label blocking entries.

4 Exhibit 10: Objection as to the label blocking entries and authentication required
5 as to hand written entries.

6 Exhibit 12: Defendants object because the exhibit is incomplete and lacks the
7 attached quotation which is referenced in the body of the exhibit, authentication required.

9 Exhibit 64: Objection to incomplete document, authentication required.

10 Exhibit 145: Defendants object because portions of this exhibit are illegible.

11 Exhibit 147: Same objection as exhibit 145.

13 Exhibit 154: Authentication required for all handwritten entries.

14 Exhibits 155 - 165, inclusive: Defendants object based on relevance pursuant to
15 Federal Rule of Evidence 402. The documents are subcontracts and related documents
16 between Kanag'iq and other entities who are not parties to this litigation and the contents
17 of those subcontracts or documents are not probative on issues in this litigation.
18 Authentication is required. To the extent that plaintiff intends to use these documents to
19 show that Kanag'iq is somehow a "bad actor", they are impermissible as an attempt to
20 use character evidence to prove conduct in a civil case. Federal Rule of Evidence 404.

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DATED at Anchorage, Alaska this 3rd day of December 2007.

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EIDE & GINGRAS, P.C.
Attorneys for Defendants
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Western Surety Company

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CERTIFICATE OF SERVICE

I am employed by the law
firm of Eide & Gingras, P.C. That on this
3rd day of December 2007, I served

[x] Electronically

a true and accurate copy of the foregoing
document upon the following counsel of record:

Sarah J. Tugman, Esq.
2509 Eide Street, Suite 4
Anchorage, AK 99503

EIDE & GINGRAS, P.C.

By /s/Debby J. (Lee) Allen
Debby J. (Lee) Allen

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